

This facsimile message and its contents are legally privileged and confidential information intended solely for the use of the addressee. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, copying or other use of this message and its contents is strictly prohibited. If you have received this telecopy in error, please notify us immediately by telephone and return the original message to us at the address shown below via the Postal Service. Thank You.

ALSTON&BIRD LLP

101 South Tryon Street, Suite 4000
 Charlotte, NC 28280-4000
 704-444-1000
 Fax: 704-444-1111

RECEIVED
 CENTRAL FAX CENTER
 NOV 10 2004

TELECOPY

PLEASE DELIVER AS SOON AS POSSIBLE

Date:

November 10, 2004

Recipient:

Examiner Ruth A. Davis

Company:

U.S. PATENT & TRADEMARK
 OFFICE

Fax Number:

(703) 872-9306

Voice Number:

Sender:

Raymond O. Linker, Jr.

Message:

Application No. 09/700,687

OFFICIAL AFTER FINAL RESPONSE

Number of Pages: (including cover page)

IF NOT RECEIVED PROPERLY, PLEASE NOTIFY US IMMEDIATELY AT .

USER CODE:	LINKR	REQUESTED BY:	Jan Sherrill - 1163
CLIENT/MATTER:	033339/206076	OPERATOR:	

BEST AVAILABLE COPY

Alston&Bird

**RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 1651**

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/700,687 Confirmation No.: 8151
Applicant(s): Benbadis
Filed: February 14, 2001
Art Unit: 1651
Examiner: Ruth A. Davis
Title: MUTANT LACTOBACILLUS BULGARICUS STRAINS FREE FROM
BETA-GALACTOSIDE ACTIVITY

Docket No.: 033339/206076
Customer No.: 00826

RECEIVED
CENTRAL FAX CENTER

NOV 10 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL ACTION
PURSUANT TO 37 C.F.R. § 1.116**

Sir:

In response to the Final Office Action dated August 10, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims beginning on page 2 of this paper.

Remarks/Arguments begin on page 4 of this paper.

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY. IMAGES ARE
As rescanning these documents will not correct the image problems checked
problems checked, please do not report these problems to problems checked
the IFW Image Problem Mailbox. the IFW Image